

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are pending in this application. Claims 1, 8 and 12, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed and specifically on Page 38 (paragraph [0115]) and Fig. 6. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 3, 4, 7, 8, 10-12, 14, 15 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,833,865 to Fuller et al. (hereinafter, merely “Fuller”) in view of U.S. Patent No. 6,476,817 to Harper et al. (hereinafter, merely “Harper”).

Claims 2, 5, 6, 9, 13, 16 and 17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Fuller in view of Harper and further in view of U.S. Patent No. 5,745,102 to Bloch et al. (hereinafter, merely “Bloch”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

**“...wherein the extraction section performs automatic extraction in accordance with a preset extraction condition and manual extraction in accordance with a selective instruction made by a user...”** (Emphasis added)

As understood by Applicant, Fuller relates to digital still cameras, digital video cameras, digital video encoders and other media capture devices.

As understood by Applicant, Harper relates to removable data storage media as used with, for example, computers and other data-processing devices, such as floppy disks.

Applicant submits that neither of the cited references, taken alone or in combination, teach or disclose the above discussed feature of claim 1. Specifically, neither Fuller nor Harper teaches or suggests the extraction section performs automatic extraction in accordance with a preset extraction condition and manual extraction in accordance with a selective instruction made by a user, as recited in claim 1.

Applicant understands that the Office Action relies on the Fuller reference to teach metadata extraction. However, Applicant submits that Fuller teaches clips must be defined in a post-process, usually involving a human to discern the clip boundaries and to add some additional metadata describing the clip (See, Fuller, col. 4, lines 1-20). Thus, in Fuller a user is involved to **define the clips**, not to extract metadata, according to particular requirements, from those metadata already stored in the storage medium. In other words, **in Fuller, there is no manual extraction according to the user’s selection.**

On the contrary, in the present invention, in the manual extraction processing, the metadata extracting section 142 generates a metadata extraction window 302 and displays the

types of selectable metadata in the form of a list in this extraction window, and then by browsing the displayed list, the user can select, from a plurality of kinds of metadata, those metadata to be displayed on the metadata display sheet 66. For example, in Fig. 6 metadata associated with "ID", "Title", "Camera Operator", "Material Gathering Memo", "Barcode", and "Thumbnail" are selected, so the metadata to be displayed are determined based on this selection (See, Specification, Page 38, paragraph [0115] and Fig. 6). Thus, **in the present invention, the metadata extracting section** not only extracts the metadata automatically selected on the basis of the preset extraction conditions, **but also manually selected in accordance with a selective instruction made by a user**, as recited in claim 1.

Therefore, Applicant respectfully submits that Fuller and Harper fail to teach or suggest the extraction section performs automatic extraction in accordance with a preset extraction condition and manual extraction in accordance with a selective instruction made by a user, as recited in claim 1.

Furthermore, Fuller specifically teaches away from the present invention since Fuller describes a benefit of the Fuller approach is that “clip marking” can become an automatic part of the videography process. Thus, even though Fuller is describing clip boundaries, the system is directed to an automatic process rather than a process based on a user selection, as recited in claim 1.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 8 and 12 are also patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

#### CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By:

  
Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800